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**OFFICIAL BUSINESS**

Date: November 1, 2005

*AFTER FINAL*

To: Examiner: Young, Micah Paul  
Art Unit: 1618

Fax No.: 703-872-9306

From: Stephen P. Burr/Nicole Buckner

Subject: U.S. Application Ser. No. 10/826,165  
Filed: April 16, 2004  
Conf. No.: 8549

Title: ENTERAL NUTRITION PRODUCT AND METHOD FOR  
PREPARING THE SAME

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Our Ref.: 889\_001

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Gina M. Husak

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Practitioner's Docket No.: 889\_001

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jiro KANIE

Ser. No.: 10/826,165

Group Art Unit: 1618

Filed: April 16, 2004

Examiner: Young, Micah Paul

Confirmation No.: 8549

For: ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE SAME

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
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## CERTIFICATION OF FACSIMILE TRANSMISSION

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Young, Micah Paul at (571)273-8300 in the Patent and Trademark Office  
on November 1, 2005.

Gina M. Husak

REQUEST FOR CONTINUED EXAMINATION  
(37 CFR §1.114)1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for  
the above identified application.

11/02/2005 HDEHESS1 00000056 501446 10826165

2. This request is being submitted:

01 FC:2252 225.00 DA  
02 FC:2801 395.00 DAi. ☒ Prior to abandonment of the applicationii. ☐ Payment of the issue fee☐ Prior to payment of issue fee☐ Issue fee has been paid but a petition under §1.313 was filed \_\_\_\_\_  
(copy attached).iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences  
☐ A notice is being separately sent to the Board of Patent Appeals & Interferences  
that this Request for Continued Examination is being filed.iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under  
35 U.S.C. 145 or☐ Commencement of a civil action under 35 U.S.C. 146☐ Prior to the filing of such appeal or commencement of civil action☐ Such appeal or commencement of civil action has been terminated.3. Please Enter and Consider the following *Previously Submitted Documents*:☒ Amendment filed August 29, 2005 (which was not entered by the Examiner).☐ Brief on Appeal filed \_\_\_\_\_.☐ Other:

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4. Enclosed herewith is/are:
- ☐ An Information Disclosure Statement and Form PTO-1449
- ☐ An Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$ 790.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	6	Minus			\$ 50.00	
Independent Claims	2	Minus			\$ 200.00	
Multiple Dependent Claim(s) (if applicable)						\$ 360.00
<u>Extension of Term</u>						
<p>a. <input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.</p> <p>b. <input checked="" type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:</p> <p style="margin-left: 40px;"><input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) ..... \$ 120.00</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) ..... \$ 450.00</p> <p style="margin-left: 40px;"><input type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) ..... \$1,020.00</p> <p style="margin-left: 40px;">If an additional extension of time is required, please consider this a petition therefor.</p> <p style="margin-left: 40px;"><input type="checkbox"/> An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.</p>						
<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$1,240.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.						\$ 620.00
<b>TOTAL FEES DUE =</b>						\$ 620.00

6. Payment of Fees

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ Charge Deposit Account 50-1446 in the amount of \$620.00.

7. Authorization to Charge Additional Fees or Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446 (a duplicate copy of this sheet is enclosed):

☒ Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,

November 1, 2005  
Date



Stephen P. Burr  
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SPB/NB/gmh

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